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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,876	09/13/2000	Michael S. Tignor	GEN-0213	7521

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EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,876

Applicant(s)

TIGNOR ET AL.

Examiner

Danny Nguyen

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 16, 19-26, 37-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 16, 19-26 and 37-39 is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/25/2004 with respect to claims 1, 2, 16, 22, 23, 41 have been fully considered and were found to be persuasive for claims 2, 16, 22, 23, claims 1 and 41 are not persuasive.

Regarding claims 1 and 41, applicant argued that Matsko does not disclose an error detection program within the microcomputer, wherein the error detection program rejects current ratings sent to the electronic trip unit that are greater than the frame rating of the circuit breaker. The argument is not convincing because Matsko discloses an error detection program within the microcomputer (the error detection program shown in fig 19), wherein the error detection program rejects current ratings sent to the electronic trip unit that are greater than the frame rating of the circuit breaker (e.g. col. 32 and 33, lines 15-5). Thus, applicant's arguments of claims 1 and 41 do not distinguish over Matsko reference.

2. Claims 6-15 and 27-36 are withdrawn, and claims 17, 18, and 40 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsko et al (USPN 4,809,125).

Regarding claims 1 and 41, Matsko discloses that a circuit breaker (circuit breaker 10 shown in fig. 2, 3) for an electrical circuit comprises an operating mechanism (e.g. 90, 92, 93a circuits) for interrupting current in the electrical circuit when operated; an electronic trip unit (63) including a microcomputer (100) which monitors the current in the electrical circuit and generates a trip signal by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 11, lines 3-25); and a rating plug (84) having means establishing the selectable value of the current at which the electronic trip unit trips the operating mechanism (e.g. col. 18, lines 10-16 and col. 10, lines 14-18 and), and a non-volatile memory (embedded in the circuit 100, e.g. col. 11, lines 37-38) for storing frame current and rating current of circuit breaker (e.g. see fig. 16, steps H102, col. 18, lines 30-34), an error detection program within the microcomputer (fig. 19). Wherein the error detection program rejects current ratings sent to the electronic trip unit that are greater than the frame rating of the circuit breaker (e.g. col. 32 and 33, lines 15-5).

Regarding claim 5, Matsko discloses a display (120, fig. 5) for displaying the current rating.

Allowable Subject Matter

4. Claims 2-4, 16, 19-26, 37-39 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/6/2004



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER